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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

STEPHANY, TIMOTHY J

ART UNIT PAPER NUMBER

2622

DATE MAILED: 05/06/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/653,053

Applicant(s)

MACLEOD, PETER S.

Examiner

Timothy J. Stephany

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 18-34, 39-55 and 60-63 is/are rejected.
- 7) ☒ Claim(s) 14-17, 35-38 and 56-59 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

Claims 5-10, 14-17, 26-31, 35-38, 47-52 and 56-59 are potentially allowable over the prior art, which does not describe, disclose, nor suggest the contents therein.

Claims 14-17, 35-38, and 56-59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claims 5-10, 26-31, and 47-52 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Specification

The disclosure is objected to because of the following informalities:

On page 13, lines 10-11, the sentence "For color imaging, the RIP may add color information to the raster information." has been written twice. One must be deleted.

Appropriate correction is required.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: **208** and **252**. A proposed drawing correction, corrected drawings, or amendment to the specification to

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add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 26 and 47 recites the limitation "the printing press" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claims 6-10, 27-31, and 48-52 are rejected on the same grounds, being dependent upon claims 5, 26, and 47 respectively.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 11, 12, 22, 23, 32, 33, 43, 44, 53 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumada ('436).

Regarding **claim 1 and 22**, Kumada discloses a method and apparatus whereby a gamut mapping mode is automatically selected by Rendering Intent included in the header of a source profile (col. 9, lines 59-62). This gamut mapping intent is the transform defined in the device color profile header and likewise, as of necessity, the profile has been identified.

Regarding **claims 2, 11, 12, 23, 32 and 33**, Kumama discloses an input device that is to be emulated, as is shown in Figure 1 and Figure 2, wherein is shown an original document and a printout.

Regarding **claims 43, 44, 53, and 54**, the means of accomplishing the method or apparatus is inherent to it, the means being the computer program, and thus are rejected under the same justification as claims 1, 2, 11 and 12, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 24, 25, 45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumada ('436) in view of Holub ('909).

Regarding **claim 3 and 24**, Kumada discloses the method and apparatus in the claim 1 and 2 rejections above. Kumada does not disclose expressly that the selection

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of rendering intents are used for printing presses. Holub discloses that selection of rendering intents (col. 35, lines 30-33) are used with printing presses (col. 1, lines 6-10).

Regarding **claim 4 and 25**, Kumada discloses a header of a source profile, that has already been shown to contain a selection for the transforming rendering intent.

Regarding **claims 45 and 46**, the means of accomplishing the method or apparatus is implied within it, the means being the computer program, and thus are rejected under the same justification as claims 3 and 4, respectively.

Kumada & Holub are combinable because they are from the same field of endeavor and thus constitute analogous art, being that of color rendering intent in printing devices. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to automatically select a rendering intent based upon the color profile for a printing press. The suggestion/motivation for doing so would have been that any system that was previously employed in a manual capacity that converts to an automatic system would be obvious for any system that could adopt and benefit from this new automatic system. Therefore, it would have been obvious to combine Kumada with Holub to obtain the invention as specified in claims 3 and 4.

Claim 13, 34 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumada ('436) in view of Koguchi ('824).

Regarding **claim 13 and 34**, Kumada discloses the method and apparatus in the claim 12 rejection above. Kumada does not disclose expressly receiving a selection

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indicative of a printing press color profile nor receiving a selection indicative of a proofing printer color profile.

Koguchi discloses that there are selection of the color profile of the input (col. 32, lines 49-53) and the output (col. 32, lines 56-59). Also, that the profiles of the press **130** and the proof printer **134** (col. 30, lines 52-57) are used by the color calibration service center **140** (col. 30, lines 60-62).

Regarding **claims 55**, the means of accomplishing the method or apparatus is implied within it, the means being the computer program, and thus are rejected under the same justification as claim 13.

Kumada & Koguchi are combinable because they are from the same field of endeavor and thus constitute analogous art, being that of color rendering intent in printing devices. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to automatically select a rendering intent based upon the color profile for a emulating device which is a proofing printer, and the device which is a printing press, and receive a selection indicative of the color profiles for these two devices. The suggestion/motivation for doing so would have been that a means of selecting a rendering intent for an emulation device for emulating a source device, could be applied to a system of proofing printers emulating printing presses, where the color profile of each is received through a selection. Therefore, it would have been obvious to combine Kumada with Koguchi to obtain the invention as specified in claim 13.

Claims 18-21, 39-42 and 60-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumada ('436) in view of Spaulding ('540).

Regarding **claim 18 and 39**, Kumada discloses the method and apparatus in the claim 12 rejection above. Kumada does not disclose expressly receiving a selection indicative of a printing press color profile nor receiving a selection indicative of a proofing printer color profile. Spaulding discloses that under the conditions when the gamuts are largely contained within one another compared to when they are largely exclusive (col. 2, lines 43-49), that different gamut mapping techniques will be called for (col. 2, lines 56-58).

Regarding **claims 19-21 and 40-42**, the means of accomplishing the method or apparatus is implied within it. If a small number of potential embodiments come to them mind of one skilled in the art such that that person would have at once envisaged that which is claimed, then the reference anticipates the claim. The use of specifically defined rendering intents that are commonly known does not constitute a non-obvious addition and thus claims 19-21 are rejected under the same justification as claim 18.

Regarding **claims 60-63**, the means of accomplishing the method or apparatus is implied within it, the means being the computer program, and thus are rejected under the same justification as claims 18-21, respectively.

Kumada & Spaulding are combinable because they are from the same field of endeavor and thus constitute analogous art, being that of color rendering intent in printing devices. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to automatically select a different rendering intent based upon the

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color profile for a emulating device which is a proofing printer, and the device which is a printing press, wherein the gamuts of these two devices is either similar (substantially contained) or dissimilar (substantially exclusive). The suggestion/motivation for doing so would have been that a means of selecting a rendering intent based on a comparison of gamut overlap for an emulation device for emulating a source device, could be applied to a system of proofing printers emulating printing presses, wherein the rendering intent could be perceptual and colorimetric or composite. Therefore, it would have been obvious to combine Kumada with Spaulding to obtain the invention as specified in claim 18-21.

Additional Notes

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Zandee ('895) refers to automatically selecting rendering intent; Newman ('483), Papritz ('801), Balonon-Rosen ('901), Edge ('038) refer to printing press and proof color profiles; Nielsen ('009) and Vigneau ('907) refer to color profiles with rendering intent; Eckhardt ('340) and Dalrymple ('414) refer to modified processing due to amount of gamut overlap; Schwartz ('888), Walker ('771), and Hirokazu (US 2001/0028471 A1) relate generally to gamut mapping; and Semba ('826), Taniguchi ('347), Granger ('942), Decker ('501), Eschbach ('951) and Kobayashi ('089) refer to methods of mapping relying upon minimum lightness to a threshold.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Stephany whose telephone number is 703-305-8951. The examiner can normally be reached on 8:30 am - 4:30 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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